

City of Hartford

Department of Finance

Purchasing Division

550 Main Street

Hartford, Connecticut 06103

860-543-8555

INVITATION TO BID

BID TITLE AND NUMBER: **TERM CONTRACT: CLEANING COMPOUNDS (MBE);
#3500**

Sealed bids for the above will be received at the Office of the City Purchasing Agent, Municipal Building, 550 Main Street, Room 100, Hartford, Connecticut until, **BUT NOT LATER THAN 10:00 A.M., EST, WEDNESDAY, APRIL 16, 2003** at which time and place they will be publicly opened, read, and recorded.

THIS REQUEST FOR BID IS SET-ASIDE FOR AWARD TO A MINORITY OR WOMAN SMALL BUSINESS PURSUANT TO SECTION 2-559 OF THE HARTFORD MUNICIPAL CODE.

BID SURETY, PERFORMANCE BOND AND INSURANCE ARE NOT REQUIRED FOR THIS BID.

Bid must be time stamped by Purchasing Receptionist OR a member of the Purchasing Staff BEFORE the deadline. The wall clocks are not used for this purpose. Be sure that the bid number, deadline date and the name and address of your firm is shown clearly on the bid envelopes. All envelopes must be sealed prior to submission.

If the bid is mailed, please mail bid SEVERAL DAYS prior to bid deadline to assure timely delivery. A bid is not considered received until it is in the office of the Purchasing Agent.

The City reserves the right to reject any or all, or any part of any or all bids, if such action is deemed to be in the best interest of the City.

The omission of any of attached papers from bid submitted is not available as defense by bidder in case of his failure to perform his contract in the manner described.

City of Hartford, Connecticut

BY: Stanley Staron
Purchasing Agent

BID PREPARED BY: **Judith A. Reynolds, Principal Administrative Analyst**
Telephone: **(860) 543-8555**

LEGAL NAME OF BIDDER _____

(Please insert your firm name on this line)

ADVERTISED BID NUMBER: **3500**
TITLE: **CLEANING COMPOUNDS (MBE)**

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THIS BID DOCUMENT CONTAINS THE ITEMS MARKED WITH AN X:

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- ()** SPECIFICATIONS: PAGE(S)
- (X)** STANDARD FORM OF CONTRACT PROPOSAL (FORM 126/127)
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- ()** DRAWINGS: NO. _____ DATED _____ SHEETS _____
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- (X)** BIDDER'S EEO REPORT
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ATTACHMENTS FOR INFORMATIONAL PURPOSES

- (X)** ***SECTION 2-545*** OF THE MUNICIPAL CODE: NOTICE OF INVITATION FOR BIDS TO BE PUBLISHED; CONTRACTS LIMITED TO EQUAL OPPORTUNITY EMPLOYERS.
- (X)** ***SECTION 2-548*** OF THE MUNICIPAL CODE: DETERMINING AWARD; REJECTION AND RE-ADVERTISEMENT; CONTRACT; CONTRACTS LIMITED TO THE LOWEST RESPONSIBLE BIDDER.
- (x)** ***SECTION 2-559*** OF THE MUNICIPAL CODE: SET-ASIDE PROGRAM FOR SMALL CONTRACTORS AND MINORITY BUSINESS ENTERPRISES.
- (X)** ***SECTION 2-560*** OF THE MUNICIPAL CODE: BID PREFERENCE FOR CITY- BASE BUSINESSES.

SPECIAL INSTRUCTIONS TO BIDDERS
TERM CONTRACT: CLEANING COMPOUNDS
#3500

1. Minority/Woman Business Set-Aside Provision: This Request for Bid is set-aside for award to a Minority or Woman Small Business pursuant to section 2-559 of the Hartford Municipal Code, a copy of which is attached. If bidder does not hold current City of Hartford Certification as a Minority/Woman Small Business, an application for same on forms prepared by the City, will be required prior to the award of bid. The application and review process includes, but is not limited to:

- 1) The submission of Federal Tax Forms for the last completed tax year which will be reviewed to determine that bidder has its principal place of business and has been operating in the State of Connecticut for at least one year prior to the date of application.
- 2) Review of annual gross revenues (shown on the Federal Tax Forms) to assure that total revenues did not exceed three (3) million.
- 3) The owner's submission of a long form birth certificate or other document such as license or passport which will verify that owner is a minority or woman.

For the purpose of clarification, a minority owner is any one of the following group persons: Alaskan Native or American Indian, Asian or Pacific Islander; Black, Hispanic; Portuguese; or Woman.

2. Bid Prices: Prospective Bidders shall submit unit prices as outlined on the bid schedule. All prices shall include FOB destination, inside delivery. The bid schedule units are based on a common denominator such as "per ounce" or "per quart" price. All bidders must submit unit prices in the unit requested to be considered. This is solely to determine the low bidder for each item. The bid will be awarded based on the unit prices. Invoices will be accepted in accordance with packaging (i.e. per case). Bidders may offer slightly different sizes than requested; such as a 16 ounces versus a 15 ounces or visa versa. *Slight* variations such as these will be acceptable, but bidders must submit unit prices as they are stated in the bid; such as "per ounce" or "per gallon" price. It is the City's sole discretion to determine and accept "slight variations" from bidders.

3. Basis of Award: Paragraph 15 of the Standard Form of Contract Proposal, Form 127, (Standard Instructions to Bidders) is amended to include the following:

For the purpose of evaluating bids to determine the lowest responsible bidder, 15% local preference will be applied in accordance with Section 2-560 of the Municipal Code as amended, a copy of which is attached hereto for your information.

This bid shall be awarded to the lowest responsible bidder by total low bid. Therefore, bidders must bid on every item in order to be considered for award.

4. Variable Quantities: The quantities and delivery points set forth in this bid shall be subject to the variation stipulated in Paragraph 10 (c) of the "Standard Instructions to Bidders" (Form 127).
5. Term of Contract: The term of this contract shall be for a twenty-four (24) month period commencing on **July 1, 2003** and ending on **June 30, 2005**.
6. Contract Termination: The City of Hartford reserves the right to cancel this contract, at any time, with thirty (30) days prior written notice to contractor, should any of the following conditions exist:
- A. Funds are not appropriated by the Court of Common Council to allow continuance of this contract.

SPECIAL INSTRUCTIONS TO BIDDERS

- B. The City of Hartford, through changes in its requirements or method of operation, no longer has a need for the commodity or service.
7. Contractor Performance: If, during the term of this Contract, the Contractor; A) repeatedly fails to provide the level of services required under this Contract; B) fails to fulfill services required in accordance with agreed schedule or C) fails to comply with any other terms and conditions outlined in the Contract, the City shall have the right to terminate this Contract. Prior to termination, the City shall:
- A. Meet with Contractor to give him/her an opportunity to respond to complaints;
- B. Establish a remedial period for the Contractor to correct service deficiencies and/or defaults to the satisfaction of the City;
- C. If Contractor fails to correct said deficiencies and/or defaults within the remedial period, the City shall terminate contract.
8. Estimated Requirements: The volume of commodities or amount of service listed on the bid schedule is estimated only. The City will pay for only those commodities or services actually received during the term of the contract.
9. Parts Inventory: The successful bidder shall be required to carry a full line of inventory for each manufacturer's product upon which the bid is submitted, in order to meet the needs of the City.
10. Liquidated Damages: The City of Hartford reserves the right to assess liquidated damages against the successful vendor in accordance with the Standard Form of Contract Proposal (Form 127), Paragraph 28.
11. Project Purchases: The City reserves the right to purchase on separate competitive bids commodities and/or services for a major project. The Contractor, however, shall be invited to bid.
12. Descriptive Literature: Prospective bidders must submit detailed descriptive literature on all items proposed with bid document.
13. Payment: Payment under this Contract shall be made in accordance with Finance Form 127, Paragraph 32 of the Standard Form of Contract Proposal.
- The successful vendor(s) shall submit itemized invoices directly to location where supplies and/or services were delivered. Invoices must reflect unit prices and/or percentage discounts as outlined on the bid schedule.
14. References: Prospective Bidders shall submit three (3) references where similar work of this nature has been performed and/or equipment proposed has been in use within the past one (1) year.

COMPANY NAME & ADDRESS CONTACT PERSON

PHONE

A. _____

SPECIAL INSTRUCTION TO BIDDERS

B. _____

C. _____

15. Attachments: The following documents are attached hereto and made a part of this bid:

A. Section 2-545 and 2-548 of the Hartford Municipal Code.

B. Standard Form of Contract Proposal (must be completed and returned with bid).

Equal Employment Opportunity: As a condition of doing business with the City your firm must be certified by the City as Equal Opportunity Employers. The City's Bidder's EEO Report is attached for this purpose and made an integral part of this bid. Please complete the form in its entirety and return it with your bid.

If your firm has received City certification within the previous eleven (11) months, please submit a copy of your certification in lieu of completing the Bidder's EEO Report. (rev. 3/97)

If your company employs four (4) or more people, please submit your EEO Policy Statement with your EEO Report.

16. Brand Names and Substitutes: The City of Hartford does not sponsor any one manufacturer's products but lists equipment by name and model number to define the quality and performance level desired. Bidders may submit substitutes similar in nature to the equipment specified. The substitute must be equal to, or offer a clear advantage to the owner because of improved performance. All substitutes must be accompanied with substantiating data. All final decisions concerning substitutes will be made by the City of Hartford prior to any award. Substitutes, in the opinion of the City, must be at least equal in quality, durability, appearance, strength and design to the equipment specified. The word substitute shall not be construed to permit substantial departure from the detailed requirements of the specifications. Each bidder shall furnish with bid, current descriptive literature on all items proposed.
17. Material Safety Data Sheet (MSDS) for Toxic Substances: Suppliers proposing to furnish toxic substances or contractors proposing to use toxic substances in the services to be performed for the City of Hartford must submit with their bid or proposal a Material Safety Data Sheet (Form OSHA-20). In addition, a Material Safety Data Sheet must be submitted with each shipment or delivery of a toxic substance.

CITY OF HARTFORD BID ATTACHMENT

Ordinance amending Section 2-545 of the Hartford Municipal Code will be used in determining the lowest responsible bidder(s). For your information, the ordinance reads as follows:

Section 2-545. **NOTICE OF INVITATION FOR BIDS TO BE PUBLISHED; CONTENTS; CONTRACTS LIMITED TO EQUAL OPPORTUNITY EMPLOYERS.**

(a) In every instance of purchase or sale requiring sealed bids, notices inviting sealed competitive bids shall be published at least once in a daily newspaper in the City as provided in Section 2-4 and at least five (5) calendar days must intervene between the date of last publication and the final date for submitting bids. Such notices shall include a general description of the articles to be purchased or sold, shall state where bid blanks and specifications may be secured, and the time and place for opening bids. Such notices shall further state that all contracts will be awarded only to responsible bidders as defined by section 2-548. The bid specifications shall include a copy of this section and section 2-548. The specifications shall also include documents for evaluating the equal employment opportunity status of the bidder on forms that are prepared by the City Manager. Such documents, to be completed and signed by the bidder, may request all such information necessary to determine whether a bidder is an equal opportunity employer and must be submitted by the bidder with his bid. Such documents shall include the following provision:

"The bidder understands and agrees that his, her or its failure to meet the equal opportunity requirements established by this section and by section 2-548 of the Code will preclude such bid from being considered. The bidder agrees to the procedure set forth in Section 2-548 of the Code in regard to the determination of whether such bidder is an equal opportunity employer. The bidder also understands and agrees that the equal opportunity documents will become a part of the contract, and that a breach of the provisions of the equal opportunity documents will constitute a breach of the contract subject to such remedies as provided by law."

(b) Affirmative action requirements for contracts for public works and improvements shall be governed exclusively by the provisions of Article X of this chapter, unless such contracts are for an amount less than ten thousand dollars (\$10,000.00). (Code 1977, 2-2-263; Ord. No. 12-81, 3-23-81.; Ord. No. 42-83, 10-24-83)

CITY OF HARTFORD BID ATTACHMENT

Ordinance amending Section 2-548 of the Hartford Municipal Code will be used in determining the lowest responsible bidder. For your information, the ordinance reads as follows:

Be It Ordained by the Court of Common Council of the City of Hartford: that Section 2-548 of the Municipal code be amended as follows:

Section 2-548. **DETERMINING AWARD; REJECTION AND RE-ADVERTISEMENT; CONTRACTS LIMITED TO THE LOWEST RESPONSIBLE BIDDER.**

(a) The contract for which sealed bids are invited shall be awarded to the lowest responsible bidder. Any person or organization is deemed not to be a responsible bidder that:

- (1) Is not an equal opportunity employer;
- (2) Has been found by a court or administrative body of competent jurisdiction to be in violation of the National Labor Relations Act and that such violation continues to exist;
- (3) Has been found by a court or administrative body of competent jurisdiction to be in violation of the Labor Relations Act for the State of Connecticut, Title 31, Chapter 561 and that such violation continues to exist; or;
- (4) Is found to be delinquent in the payment of personal and/or real property taxes or is found to be the owner of an interest of twenty-five (25%) percent or more in a corporation that is delinquent in the payment of personal or real property taxes.

(b) In any case, where a bidder is found to be delinquent in the payment of personal and/or real property taxes, the Purchasing Agent may require that the bidder submit a plan whereby the bidder will make current all arrearage of such taxes. Such plan shall include a schedule of payments sufficient to make such bidder current within a time period satisfactory to the City Manager. The submission of such approved plan will certify the bidder as a responsible bidder with respect to tax delinquency. Subsequent to the opening of the bids for a City contract, the Purchasing Agent shall forward the name of the lowest responsible bidder to the Executive Director of the Human Relations Commission. The Executive Director of the Human Relations Commission, and/or his designee, shall review each bidder to determine whether the bidder can be accepted to be an equal opportunity employer. Within three (3) days after receiving the name of the bidder along with the requisite information, the Executive Director of the Human Relations Commission shall make written recommendations to the city manager.

(c) The City Manager shall certify whether the bidder is deemed to be a responsible bidder. If the city manager deems a bidder to meet the city's requirements, the bidder will be certified for a period of 1 year. In each case, where the City Manager determines that a bidder is not deemed to be a responsible bidder, he shall state his reasons in a written opinion to be forwarded to the Purchasing Agent, the Executive Director of the Human Relations Commission and the bidder. The decision of the City Manager that a person is not deemed to be a responsible bidder shall be appealable by written notice, by the bidder to the contract enforcement committee, as set forth in subsection 2-633(c), within five (5) days after the receipt of the City Manager's written opinion. The contract enforcement committee may reverse the City Manager's determination by a majority vote. The bids of all persons and organizations who are not certified as responsible bidders shall not be accepted. In determining whether any given bidder to the City can be accepted as an equal opportunity employer, the bidder will be required to submit certain information, with his bid, on forms provided by the City. Such information will be reviewed and evaluated by the Executive Director of the Human Relations Commission and/or his designee. Such information shall comprise the:

- (1) Present total work force of the bidder and the participation of minority and female workers therein;
- (2) Existing job categories occupied by minority and female workers in relation to the overall workforce of the bidder;

- (3) Relationship of the bidder's minority and female workforce, by job category, to the bidder's labor market area;
- (4) Commitment of the bidder to hire minority and female workers when present minority and female workforce is not representative of minority and female workforce availability in the bidder's labor market area;
- (5) Submittal by a bidder of a company policy statement of Equal Employment Opportunity.

(d) Quality offered, delivery terms and service reputation of the vendor may be taken into consideration in determining the successful bidder. In the event that more than one lowest responsible bid has been received, the location of the vendor's principal place of business may also be taken into consideration with preference accorded to a city located business over a noncity-located business, a state-located business over a nonstate-located business, and a domestic business over a foreign business. Upon recommendation by the Purchasing Agent, the equal employment opportunity provisions of this section may be waived in the sale of city property.

(e) The City Manager shall have the power to reject any of all bids, or the bid for any one or more commodities or contractual services included in the proposed contract, when the public interest is served thereby, and to direct the Purchasing Agent to advertise again for bids. If all bids received are for the same total amount or unit price, and if the public interest will not permit the delay of re-advertising for bids, the City Manager may direct the Purchasing Agent to purchase the commodities or contractual services in the open market, provided the price paid in the open market shall not exceed the lowest contract bid price submitted for the same commodity or contractual service.

(f) No transaction which is essentially a unit shall be divided for the purpose of evading the intent of this section.

(g) For purposes of this Section and Section 2-545 of the Municipal Code, the following definitions for minority workers shall apply:

- (1). *BLACK* (not of Hispanic origin). All persons having origins in any of the Black racial groups of Africa.
- (2) *HISPANIC*. All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- (3) *ASIAN* or *PACIFIC ISLANDER*. All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.
- (4) *AMERICAN INDIAN* or *ALASKA NATIVE*. All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

This ordinance shall take effect upon adoption.

CITY OF HARTFORD BID ATTACHMENTS

This Bid is being set-aside in accordance with City Ordinances amending Section 2-559 of the Hartford Municipal Code. For your information, the ordinance reads as follows:

Be It Ordained by the Court of Common Council of City of Hartford:

That Chapter 2, Article VII, Division 3 of the Municipal Code be amended by adding the following thereto:

Section 2-559. **SET-ASIDE PROGRAM FOR SMALL CONTRACTORS AND MINORITY BUSINESS ENTERPRISES.**

a) *Definitions.* As used in this section the following terms have the following meanings:

(1) *Minority* means:

- a. Black Americans, including all persons having origins in any of the Black African racial groups not of Hispanic origin,
- b. Hispanic Americans, including all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race,
- c. Women,
- d. Asian Pacific Americans and Pacific Islanders, or
- e. American Indians and persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification;

(2) "*Small Contractor*" means any contractor, subcontractor, manufacturer or service company which has been doing business and has maintained its principal place of business in the state for a period of at least one (1) year prior to the date of application for certification under this section and which had gross revenues not exceeding three million dollars (\$3,000,000.00) in the most recently completed fiscal year prior to such application. Notwithstanding the provisions of this section, the city man, by means of administrative regulation, change the gross revenue amount to correspond with changes in the state's gross revenue amount. In case of any conflict between this section and the city's administrative regulations regarding the gross revenue amount, the administrative regulations adopted pursuant to this section shall control.

(3) "*Minority Business Enterprise*" means any small contractor, fifty-one (51%) percent or more of the capital stock, if any, or assets of which is owned by persons who:

- a. Are active in the daily affairs of the enterprise,
- b. Have the power to direct the management and policies of the enterprise, and
- c. Are members of a minority.

(b) *Percentage of city contracts allotted.* Under the provisions of section 7-148u of the general statutes, there shall be set aside in each fiscal year, for award to small contractors on the basis of a competitive bidding procedure, city contracts or portions of city contracts for the construction, reconstruction or rehabilitation of public buildings, the construction and maintenance of highways and the purchase of goods and services. The total value of such contracts or portions thereof to be set aside shall not be more nor less than twenty-five (25%) percent of the average of the total value of all such contracts let by the city for each of the previous three (3) fiscal years, provided a contract that may not be set aside due to a conflict with a federal law or regulation shall not be included in the calculation of such average. Contracts or portions thereof having a value of not less than twenty-five (25%) percent of the total value of all contracts or portions thereof to be set aside shall be reserved for awards to minority business enterprises.

CITY OF HARTFORD BID ATTACHMENT

Ordinance amending Section 2-560 of the Hartford Municipal Code will be used in determining the lowest responsible bidder. For your information, the ordinance reads as follows:

Be It Ordained by the Court of Common Council of the City of Hartford:

That Section 2-560 of the Municipal code is hereby amended to read as follows:

(a) For the purpose of this section "City based business" shall mean a business with a principal place of business located within the City of Hartford. A business shall not be considered a "City based business" unless evidence satisfactory to the Purchasing Agent has been submitted with each bid submitted by said business to establish that said business has a bona fide principal place of business in Hartford. Such evidence may include evidence of ownership of or a long term lease of the real estate from which the principal place of business is operated, at time of bid submission and for the duration of the business' city contract, and/or payment of property taxes on the personal property of the business to be used in performance of the bid.

(b) The lowest responsible bidder shall be determined in the following order:

(1) Any City based bidder which has submitted a bid not more than fifteen (15) percent higher than the low bid provided such City based bidder agrees to accept the award of the bid at the amount of the low bid. If more than one City based bidder have submitted bids not more than fifteen (15) percent higher than the low bid and have agreed to accept the award of the bid at the amount of the low bid, the lowest responsible bidder shall be that one of such City based bidders which submitted the lowest bid.

(2) The low bidder.